



JASPERS Networking Platform

Webinar on Habitats Directive Site Specific Conservation Objectives and Project Preparation

**Major Projects and application of the
Directive 92/43/EEC (Habitats Directive):
assessment of effects on Natura 2000 sites
- lessons learnt**

29th of September 2020, DG REGIO, Unit F1

- Major Project Requirements and the Habitats Directive
- Appendix 1 Declaration
- Lessons Learnt in 2019-2020

IMPROVEMENTS COMPARED TO PREVIOUS PROGRAMMING PERIOD

	Oct-18	Apr-19	Nov-19	Jun-20	07-13
Majority of MPs (%) adopted within the 3 month approval period	89%	68%	64%	68%	11%
Average MP approval time (without interruption) reduced by 1/2	88	98	95	96	198 days
Average number of interruptions during approval of a MP substantially reduced	0.29	0.34	0.29	0.34	1.9
Reduced number of MPs (%) interrupted	32%	26%	23%	23%	82%

Source: JASPERS IQR statistics and EC SFC2014 data

MAJOR PROJECT REQUIREMENTS AND THE HABITATS DIRECTIVE

- *Part F of the Application Form*
 - Corresponds to Article 101 f) of the Common Provision Regulation 1303/2013
 - “an analysis of environmental impact [...]”
- *Part F.4 of the Application Form*
 - related to Habitats Directive; assessments on Natura 2000 sites
 - Includes only 1 question with YES/NO answer options
 - “Is the project likely to have significant negative effects [...]?”
 - Depending on the answer, requests certain type of information to be provided by the MS



MAJOR PROJECT REQUIREMENTS AND THE HABITATS DIRECTIVE

Part F.4 of the Application Form

- for **YES** answer the MS has to provide full appropriate assessment and copy of decision.

F.4.2 *If the reply to question F.4.1 is 'Yes', please provide:*

- (1) the decision of the competent authority and the appropriate assessment carried out according to Article 6(3) of the Habitats Directive;
- (2) if the competent authority has determined that the project has significant negative effects on one or more sites included or intended to be included in the Natura 2000 network, please provide:
 - (a) a copy of the standard notification form 'Information to the European Commission according to Article 6(4) of the Habitats Directive' ⁽²⁾, as notified to the Commission (DG Environment) and/or;
 - (b) an opinion of the Commission under Article 6(4) of the Habitats Directive in case of projects having significant impacts on the priority habitats and/or species and justified by imperative reasons of overriding public interest other than human health and public safety or beneficial consequences of primary importance for the environment.

Appendix 1 Declaration

- Little history
- Requested in case of **NO** answer
- To be filled in by the competent authority responsible for monitoring of Natura 2000 sites
- Template provided
- Instructions provided in footnote



Appendix 1 ⁽¹⁾

DECLARATION BY AUTHORITY RESPONSIBLE FOR MONITORING OF NATURA 2000 SITES

Responsible Authority.....

Having examined the project application.....

For the project to be located at.....

Declares that the project is not likely to have significant effects on a *NATURA 2000* site on the following grounds:

Therefore an appropriate assessment required by Article 6(3) of Council Directive 92/43/EEC ⁽²⁾ was not deemed necessary.

A map at scale of 1:100 000 (or the nearest possible scale) is attached, indicating the location of the project as well as the *NATURA 2000* sites concerned, if any.

Date (dd/mm/yyyy):

Signed:

Name:

Position:

Organisation:

(Authority responsible for monitoring *NATURA 2000* sites)

Official Seal:

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- (¹) The Appendix 1 declaration shall provide the name of the relevant site(s), reference number, the distance of the project to the nearest Natura 2000 site(s), its conservation objectives, and justification that project (either individually or in combination with other projects) is not likely to have significant negative effects on Natura 2000 site(s) included or intended to be included in the Natura 2000 network, and, if relevant, an administrative decision.
- (²) Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (O) L 206, 22.7.1992, p. 7).

Lessons Learnt in 2019-2020

1/2

- One big environmental issue in MPs per programming period (EIA in 2007-2013; Natura 2000 in 2014-2020)
- It turns out it is never too early to work upstream for appropriate quality MPs
- MS are capable to mobilize themselves very fast and efficiently if needed

Lessons Learnt in 2019-2020

2/2

- “Site specific” proves to be the missing link
- Too short and compact statements in Appendix 1 declaration (footnote instructions ignored)
- Risks of MPs interruptions
- Different perceptions of time

The importance of time

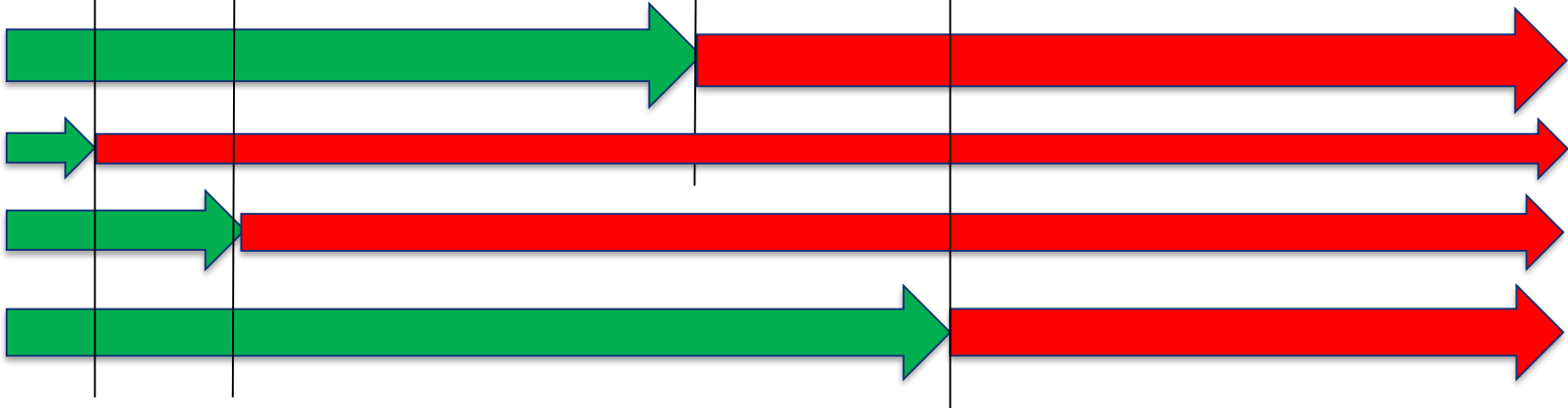
Eligibility period - Ongoing programming period for EU funds investments through ERDF and CF

2014

2023



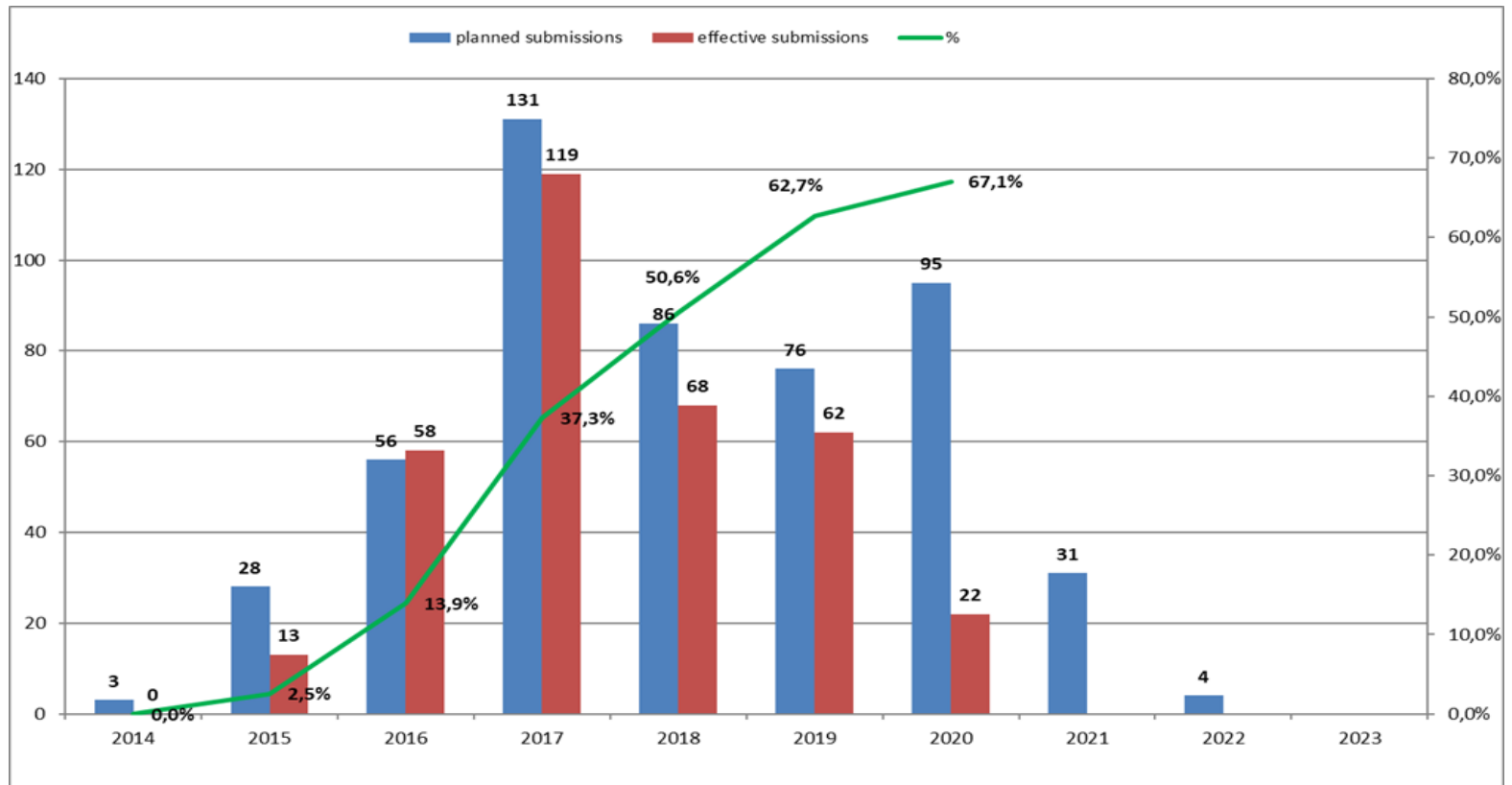
Example of a compliance deadline for a Natura 2000 site and its potential consequences on investments



Coordinated action at planning is needed!

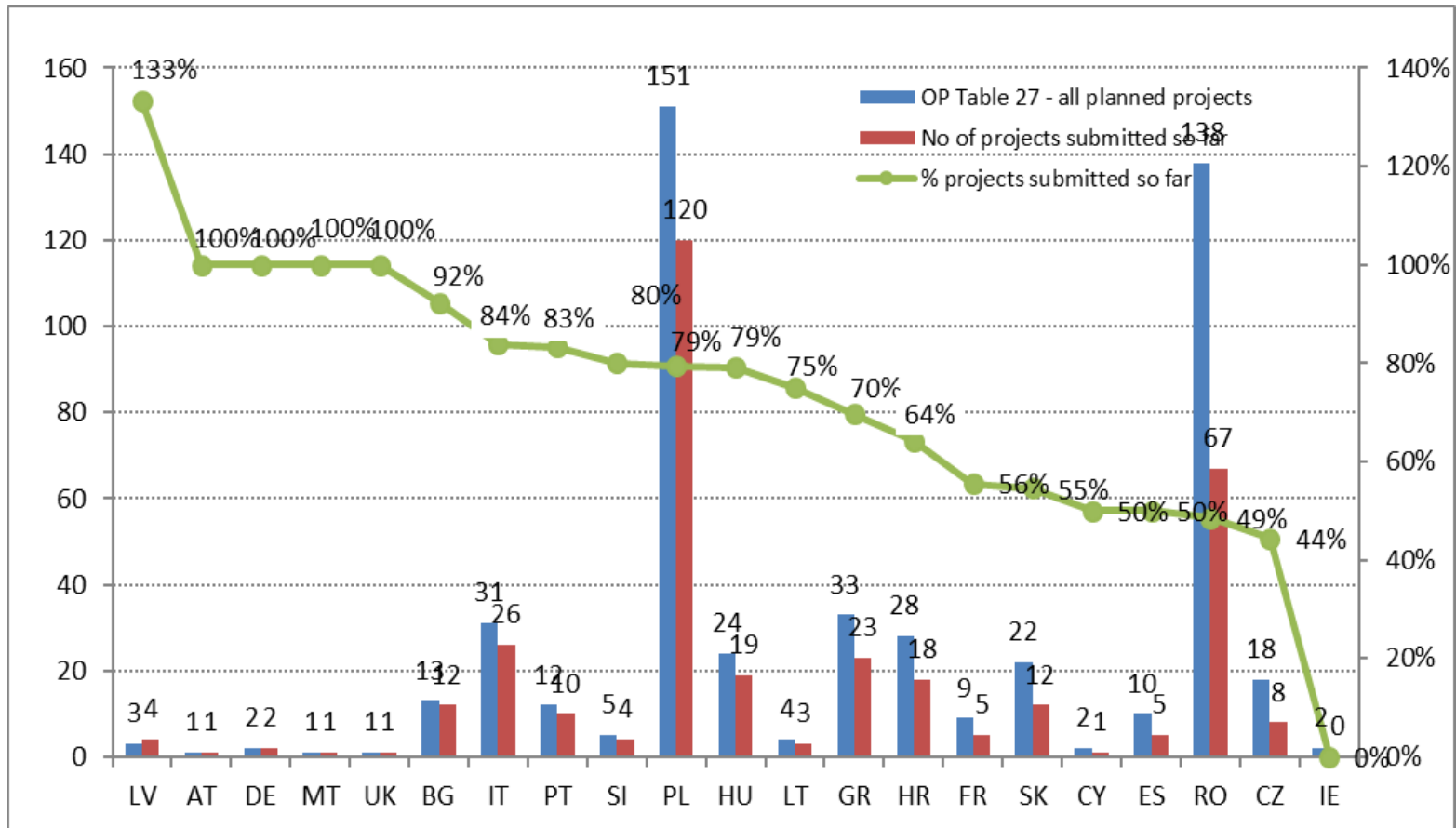
STATE OF PLAY OF MAJOR PROJECTS 2014-2020

Major projects – planned vs. submitted so far (according to the current SFC2014 data in the OPs).



STATE OF PLAY OF MAJOR PROJECTS 2014-2020

Major projects submissions – planned vs. submitted per MS



Conclusions

There are 3 core questions both for the environmental authorities and the Managing Authorities

- **How many Natura 2000 sites are concerned by each/all project(s)?**
- **Have those sites SITE-specific conservation objectives?** (it is advisable to informally engage in discussions with DG ENV Nature Unit (D3))
- **Has the Appendix 1 Declaration (Natura2000 declaration) been written using full account of its footnote instructions and, thus, has sufficient explanations?** (If NO, revisit it or MS be prepared to be requested additional documents such as Presentation Memoires)

More Information

For info or further questions on this seminar and the activities of the JASPERS Networking Platform, please contact the JASPERS Networking and Competence Centre at the following email:

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